

Brown	Gillibrand	Murray
Cantwell	Grassley	Nelson
Cardin	Hatch	Peters
Carper	Heinrich	Portman
Casey	Heitkamp	Reed
Cassidy	Hirono	Reid
Coats	Johnson	Sanders
Collins	Kaine	Schatz
Coons	King	Schumer
Corker	Kirk	Shaheen
Cornyn	Klobuchar	Stabenow
Cotton	Leahy	Tester
Donnelly	Manchin	Tillis
Durbin	Markey	Udall
Ernst	McCaskill	Warner
Feinstein	Menendez	Warren
Flake	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gardner	Murphy	

## NAYS—24

Barrasso	Hooven	Roberts
Blunt	Isakson	Rounds
Boozman	Lankford	Sasse
Capito	McConnell	Scott
Daines	Moran	Sullivan
Enzi	Paul	Thune
Fischer	Perdue	Toomey
Heller	Risch	Wicker

## NOT VOTING—14

Boxer	Graham	Rubio
Burr	Inhofe	Sessions
Cochran	Lee	Shelby
Crapo	McCain	Vitter
Cruz	Murkowski	

The nomination was confirmed.

## VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gentry O. Smith, of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's actions.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Iowa.

800TH ANNIVERSARY OF THE  
MAGNA CARTA

Mr. GRASSLEY. Eight hundred years ago on this very day, at the field of Runnymede alongside the River Thames in England, King John granted the document that came to be known as the Magna Carta—in our language, the Great Charter. This was the result of negotiations between King John and rebellious barons who objected to what they saw as violations of their customary privileges. By affixing his Great Seal to the document 800 years ago today, the King accepted limits on his power to impose his will on his subjects.

It was a momentous occasion, as evidenced by the fact that four original

copies of the Magna Carta remain carefully preserved, but its significance has grown over time. It is true that the original Magna Carta was only in effect for a couple months before King John then at that time got the Pope to annul it. Subsequent Kings voluntarily reissued the charter as a way of gaining the support of the barons, and portions still retain legal force in England today.

While many of the specific provisions in the Magna Carta dealt with very medieval concerns, such as how heirs and widows of deceased barons should be treated, a couple clauses resonate very strongly to this very day.

No free man shall be seized or imprisoned or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

To no one will we sell, to no one deny or delay justice or rightful justice.

In these clauses, you can see the specific right of habeas corpus that was included in the U.S. Constitution as well as a right to speedy trial by jury in the Sixth Amendment. You can also see a reference to property rights. Moreover, what comes through is the overarching theme of the Magna Carta—something very basic to U.S. governance—the rule of law or what John Adams called “a government of laws, and not of men.”

In the 17th century, the Magna Carta was increasingly cited to criticize the King's exercise of arbitrary power in the tug-of-war for supremacy between the English Crown and the Parliament. It became a potent symbol of an inviolable liberties of Englishmen.

For instance, when William Penn was put on trial in England for practicing his Quaker faith, he used the Magna Carta in his defense. He later wrote a commentary on the Magna Carta for a work printed in Philadelphia called “The Excellent Privilege of Liberty and Property Being the Birth-Right of the Free-born Subjects of England,” which contained the first edition of the Magna Carta printed in the New World. In this work, William Penn explained the significance of the English tradition where the ruler is bound by the law, in contrast to countries such as France, where the King was actually the law.

He wrote, again quoting William Penn:

In England the Law is both the measure and the bound of every Subject's duty and allegiance, each man having a Fixed Fundamental right born with him, as to freedom of his person and property in his estate, which he cannot be deprived of, but either by his consent, or some crime, for which the law has imposed such a penalty for forfeiture.

It is in this environment that the English philosopher John Locke developed his theory of natural rights, which was so influential in the drafting of the Declaration of Independence. The natural rights philosophy went a step further than the ancient rights of

Englishmen, positing that the rights are God-given and self-evident and that the very purpose of government is to secure those rights.

However, you can clearly trace the lineage of the notion of limited government and consent of the governed to the Magna Carta. In fact, the original version of the Magna Carta contained a clause limiting the ability of the King to levy certain taxes on the barons without first consulting them. I think you can clearly see that this is an early version of what we say: No taxation without representation.

While that provision did not last, the custom of needing consent for taxation eventually led to the evolution of the parliamentary system and representative government. Still, it is important to note that representative government grew out of even more fundamental principles, such as the rule of law, limited government, and the notion that citizens retain rights that the government may not in any way violate.

Our Founding Fathers thought that representative government was the best way to guard against tyranny and preserve the rights of citizens. But that is not sufficient, because without a strong tradition of respect for the rule of law, even duly-elected governments can descend into tyranny. Now, remember the history of Germany pre-World War II. Hitler came to power as a result of a democratic process and then proceeded to act in the very definition of tyranny.

In more recent times, Vladimir Putin was elected President of Russia and then stifled opposition and consolidated power to himself, essentially putting himself above the law. When Sergei Magnitsky stood up for the rule of law in Russia and exposed corruption at the highest levels in that country, he was imprisoned in appalling conditions, where he died a slow, agonizing death.

By contrast, the 800-year old Anglo-American tradition of the rule of law acts as a crucial safeguard to our liberty—not only that, but it is also an essential foundation for prosperity. An organization called World Justice Project has ranked countries based on various factors that indicate how a strong the rule of law is in that particular country. The countries at the top tend to not only be ones we recognize as very free but also tend to be much more prosperous than countries ranked at the bottom of the rule of law index.

Now, maybe to us in America that makes common sense. I think it is common sense. You are less likely, then, to work hard to generate wealth or invest in a business if you cannot be sure that the law will protect what you worked for. Still, we should not take this 800-year-old document and tradition for granted. It will continue to preserve our liberty and provide for our prosperity only so long as it retains the reverence it has built up over the generations.

Human nature being what it is, there is still always a temptation for those in power to think they are above the law. For instance, in the famous Frost interviews after he resigned the Presidency over the Watergate scandal, Richard Nixon was asked about the legal limits of what a President can do. Nixon answered: "If the President does it, that means it's not illegal."

He could not have been more wrong from the standpoint of the U.S. Constitution and the fundamental principles on which it is founded, going all the way back to the Magna Carta. Still the danger does not just come from megalomaniacs and others who seek to use power for their own purposes. Those entrusted with power who would act outside the law, even when they think it is good for their people as they see it, end up eroding the bulwark of liberty that is the rule of law. Ever since the Progressive Era, there has been a powerful school of thought that our system of divided and limited government is somehow inefficient, that we should have evolved beyond the need for limits on governmental power, and that power concentrated in the right hands can be used to help people.

This is a temptation for every President and one I fear the current President is particularly susceptible to. In fact, modern Presidents have tools at their disposal that go far beyond anything envisioned by the Framers of the Constitution. The Constitution says that the role of the President is not to write laws, but to "take care that the laws be faithfully executed."

We now have a massive administrative state made up of departments and agencies to which Congress has delegated enormous power and that make regulations with the force of law. Moreover, these agencies have the power to enforce their own regulations and the primary role in interpreting their regulation in individual cases. Thus, they exercise legislative, executive, and judicial power all in the one.

But this concentration of power in executive branch agencies creates a strong temptation for Presidents to use it to implement their agenda irrespective of Congress or the law of the land. I have been very critical of President Obama for a number of actions that I think exceed his legal authority, from using the Clean Water Act to try to regulate land use decisions in virtually every county in our country to forcing States to adopt his preferred education policies in order to get funding and waivers to granting a massive amnesty from our immigration laws, which even he previously admitted he did not have the legal authority to do.

I think these are bad policies. But even those who see these as short-term policy victories should be very wary of the long-term consequences of anything that erodes our tradition of respect for the rule of law.

Now, as I finish, it took 800 years to build up, and once it is eroded it will not be easy to restore. It is vital that

Presidents exercise restraint out of respect for the rule of law.

Congress should also work to reclaim much of the power it has delegated to the executive branch in order to reduce the temptation and the opportunity for abuse of executive power. It is not just up to elected officials. Our ancient tradition of the rule of law draws its authority from the fact that generations have demanded that their leaders adhere to the rule of law. As such, this 800th anniversary of the Magna Carta is an occasion for Americans to remember our heritage and to rededicate ourselves to this bedrock of liberty, the rule of law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### SUMMER FOOD SERVICE PROGRAM

Mr. BROWN. Mr. President, for most children around the country the school year has ended and the summer has begun. Some 700,000 children in Ohio, my home State, during the school year receive free or reduced-price school lunches on an average day—some 700,000 children. Those children might not have access to a nutritious meal when school cafeterias close for the summer.

Summer break should not mean a break from good nutrition. That is where the Summer Food Service Program steps in. The U.S. Department of Agriculture works with State departments of education to ensure that every child has sufficient, adequate, nutritious food to keep growing and learning after the final school bell rings. This year in Ohio there will be 1,500 Summer Food Service Program sites across the State.

Last year these sites served almost 4 million meals. Last week, I spoke with Winnie Brewer, who runs these sites in Marion County, OH, in a city about the size of Mansfield, near where I grew up.

According to Winnie, more than one in four kids in her county is food insecure. She talked about one of their newest volunteers, who came to her in tears after watching a 6-year-old boy clean the shelves in an SFSP site—a feeding site—and then start digging through the trash. He was just that hungry. That is why the work Winnie does and her volunteers do is so important.

Right now, too many families don't know about this critical program. Too many families miss out on receiving its assistance once school lets out. Winnie reports that just 1 in 10 children who receive breakfast or lunch during the school year comes to summer feeding sites. That means that in my State almost 700,000 children on any given school day will be getting a free or reduced-price breakfast or lunch—700,000. But during the summer months, only about 70,000 of those children get these meals or snacks. We need to do all we can to raise public awareness of these programs so that families know that

the end of the school year does not mean an end to food services for their children.

In Marion, the city I mentioned where Winnie runs her program, she anticipates she will triple the number of meals she serves this year compared to 5 years ago. That is because she and other community partners have committed to making this program a success. At approved schools, in churches, in summer camps, in synagogues, and in community centers, pools, and recreation centers, volunteers and organizers are ensuring that children have the healthy food they need to succeed.

Those sites often offer more than just healthy meals. They provide summer enrichment activities for kids. We know that low-income children whose parents typically have less education, in the months from school closing in late May or early June until school returns in late August or early September, tend to fall back on their education. In districts such as that where the parents have less education, less ability or know-how to read to the children, to take them on field trips that might make their minds more active, we know those children start every fall having to catch up just to get back to where they were in the spring.

That is one of the beauties of the summer feeding program. So you are not just giving these children nutritious meals, but you are also giving these children library activities and sports activities and other kinds of organized activities at churches, at community centers, at schools, and at libraries that can matter. The sites in Marion County partner with the YMCA to offer exercise. They run a literacy program that provides free books to kids at feeding sites. Getting a new book can turn a child on and get that child more excited about reading.

Earlier this month, I was in Youngstown—a city in northeast Ohio—to get the word out about the summer food and feeding program. I met with Mark Samuel, who operates a site at the West Side Community Center and a couple dozen other sites in Mahoning Valley. I also met with Retha Austin, who has children and grandchildren in the program, and now she is working a few hours a week as a paid worker to help get this program up and running.

Families need to know about these sites and the dedicated folks like Mark, Winnie, and Retha who run them. Summer break shouldn't mean a break from good nutrition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### MILITARY JUSTICE IMPROVEMENT ACT

Mr. BLUMENTHAL. Mr. President, tomorrow we will vote on a very important amendment to the National Defense Authorization Act, the Military